

The Hon. Richard A. Jones

U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

FREDERICK DARREN BERG,

Defendant.

CAUSE NO. CR10-0310 RAJ

DECLARATION OF RUSSELL M.
AOKI IN SUPPORT OF
DEFENDANT'S REPLY ON MOTION
FOR RECONSIDERATION OF
ORDER DENYING REVOCATION
OF MAGISTRATE JUDGE'S
DETENTION ORDER

I, RUSSELL M. AOKI, hereby declare and state as follows:

1. I am one of the court-appointed attorneys representing Frederick Darren Berg in the above-referenced matter. I make the following statements based upon my personal knowledge, information and belief.

2. Attached, as Exhibit 1, is a true and correct copy of the Court's *Findings of Facts and Conclusions, Motion to Show Cause, U.S. v. Kevin Lawrence*, Cause No. CR02-260P, Document No. 95 dated May 29, 2003, ordering the Federal Detention Center to provide internet access so that Mr. Lawrence can use the web-based document repository that was prepared for his defense.

1 3. Attached, as Exhibit 2, is a true and correct verbatim transcript of an audio portion of
2 the Meridian Funds Investors Meeting which took place May 17, 2011 at 9:30 a.m.

3 4. The following attached exhibits are true and correct copies of pleadings from Mr.
4 Berg's personal bankruptcy proceedings, *In re Frederick D. Berg*, Case No. 10-18668.

5 a. Exhibit 3 – *Order Ratifying Transfer of Control of Berg's Controlled Business*
6 *Entities to Trustee*, Case No. 10-18668-SJS, Document 90 dated August 25, 2010.

7 b. Exhibit 4 – *Order Granting Trustee Authority to Employ Fraser Yachts to Sell*
8 *Assets of Estate*, Case No. 10-18668-SJS, Document No. 115 dated September 8, 2010.

9 c. Exhibit 5 – *Order Approving Consignment and Sales Agreement and Sale of*
10 *Automobile*, Case No. 10-18668-KAO, Document 192 dated October 22, 2010.

11 d. Exhibit 6 – *Order Authorizing Trustee to Sell Property of the Estate (Sea-Doos)*
12 *Free and Clear of Liens Pursuant to §363*, Case No. 10-18668-KAO, Document No. 316 dated
13 December 2, 2010.

14 e. Exhibit 7 – *Order Approving Consignment and Sales Agreement and Sale of*
15 *Automobile*, Case No. 10-18668-KAO, Document No. 317 dated December 2, 2010.

16 f. Exhibit 8 – *Order Authorizing Trustee to Sell Property of the Estate (Watches)*
17 *Free and Clear of Liens Pursuant to § 363*, Case No. 10-18668-KAO, Document No. 318 dated
18 December 2, 2010.

19 g. Exhibit 9 – *Order Approving Consignment and Sales Agreement and Sale of*
20 *Automobile*, Case No. 10-18668-KAO, Document No. 376 dated December 20, 2010.

21 h. Exhibit 10 – *Ex Parte Order Authorizing Trustee to Sell Debtor's Sporting*
22 *Goods*, Case No. 10-18668-KAO, Document No. 450 dated January 1, 2011.

23 i. Exhibit 11 – *Trustee's Amended Ex Parte Motion for Approval of Disposition of*
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25
DECLARATION OF RUSSELL M. AOKI IN SUPPORT OF
DEFENDANT'S REPLY ON MOTION FOR RECONSIDERATION OF
ORDER DENYING REVOCATION OF MAGISTRATE JUDGE'S
DETENTION ORDER - 2

1 *Debtor's Owned and Controlled Art*, Case No. 10-18668-KAO, Document No. 433 dated January
2 6, 2011.

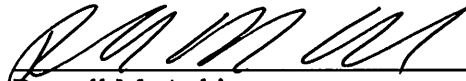
3 j. Exhibit 12 – *Order Approving Disposition of Debtor's Owned and Controlled*
4 *Art*, Case No. 10-18668-KAO, Document No. 440 dated January 7, 2011.

5 k. Exhibit 13 – *Order Authorizing Sale of Residence Free and Clear of Liens*
6 *Amended*, Case No. 10-18668-KAO, Document No. 475 dated January 14, 2011.

7 l. Exhibit 14 – *Order Approving Sale of Debtor's Art*, Case No. 10-18668-KAO,
8 Document No. 573 dated March 2, 2011.

9 I declare under penalty of perjury under the laws of the United States that the foregoing is
10 true and correct.

11
12 DATED this 8th day of July 2011, at Seattle, Washington.

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15 Russell M. Aoki